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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,566	06/24/2003	Marc T. Burton Sewell		8024

7590 12/17/2004  
Marc T. Sewell  
4050 Palisades Main  
Kennesaw, GA 30144

EXAMINER

BETZ, BLAKE E

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,566	<b>Applicant(s)</b> SEWELL, MARC T. BURTON	
	<b>Examiner</b> Blake E. Betz	<b>Art Unit</b> 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION*****Claim Objections***

Claim 18 is objected to because of the following informalities: claiming the benefit of the output of the tool and notation being provided to copyrighted business and software construction tools such as Microsoft Excel, Rational Rose or Microsoft Project. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 5 and 18 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

Regarding claims 5 and 18, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Visio 2000 Standard Edition.

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The program Microsoft Visio teaches of a tool and notation for capturing and communicating, in a graphically visual way, enterprise and technology structures, processes, strategies, and concepts. Microsoft Visio includes a plurality of shapes, icons, adornments and colors along with variable text and fonts and a plurality of relationship graphical elements. Pages 10 and 12 show a plurality of shapes and icons, while page 22 teaches of changing the font and size of text. Page 20 teaches of a plurality of adornments and colors; and pages 17 and 18 teach of a plurality of relationship graphical elements. Additionally, the flowchart blueprint of a process, etc. can be generated with consistent notation for printing and viewing. Page 31 shows the graphical shapes being modified by placing text within the shapes to name the objects. Different colors, text, and adornments may be used to modify the objects to describe, limit, and/or indicate hierarchy, location, behaviors, and or responsibilities as decided upon by the user. Page 31 also shows objects being linked with relationship graphical elements to signify flow from one object to another along with structured input areas inside the objects to provide detailed specifications of the object. The flowchart on page 31 additionally shows a selected portion of the object specifications being displayed in a plurality of adornments to the shape. Part of the specifications that reads, "Discard apple", is displayed inside the shape, while a selected portion of the specification that reads, "Send to compost bin. Compost is cycled back to the farm as nutrients for the apple soil.", is displayed at a location to the right of the object. Page 13 shows a user input interface for the Visio program. A plurality of objects, relationship tools, adornments, text, and

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input areas are shown. Objects of the drawings and their relationships can be accessed and managed using the stencils docked to the left of the input area as shown on Page 13. Pages 15, 16, and 19 describe how a user can modify the display objects in a drawing so that any desired object shape can be created to symbolize an object type as specified by the user. Page 23 states that shapes may be created by the user or imported by other programs. Therefore, any number of various shapes may be created to signify object types. Additionally, page 20 indicates that color and shadowing may adorn the objects, even those containing their own text. Page 23 additionally states that a dashed line appears around grouped shapes. Thus, the adornment indicates a collection of shapes grouped together. Page 38 teaches of automatically generating a flowchart in Microsoft Excel. Thus, a specification document in the form of a flowchart can be automatically generated from object information given by the user. Page 85 teaches of using a border shape as shown on page 84 to enclose shapes. The user can drag the shapes they desire to be enclosed into the border shape. Pages 15, 16, and 19 teach that a user can modify the size and orientation of objects in a drawing. Page 23 states that shapes may be created by the user or imported by other programs. Since a user may draw a border object so as to enclose selected shapes, the border may be considered infinitely, variably-shaped at all points. Page 31 shows a flowchart that contains a subordinate container shape that is connected to a parent shape that comprises a variable amount of text and is attached at a point that can be positioned anywhere around the parent shape at predetermined, appropriate points in the vicinity closest to

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where the user indicates. The subordinate container contains a portion of the object specification displayed as an adornment to the shape.

### ***Conclusion***

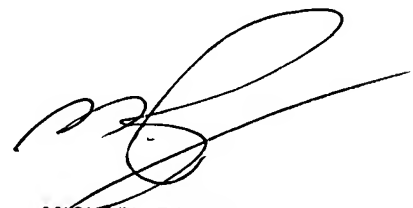
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blake E. Betz whose telephone number is (703) 605-4584. The examiner can normally be reached on 7:30 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BB 12/6/04



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